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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/758,302

01/11/2001

Jens Baltersee

1-1-1

9705

46900

7590

03/29/2006

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PHILADELPHIA, PA 19102

EXAMINER

BOCURE, TESFALDET

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/758,302	Applicant(s) BALTERSEE ET AL.	
	Examiner Teskaldet Bocure	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 13 is/are rejected.
- 7) ☒ Claim(s) 3-12 and 15-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Approved Drawing corrections</u> . |

DETAILED ACTION

1. Examiner apologize for the delay of the prosecution because of a second consideration that the Applicant's Stated Own Prior Art (ASOPA) still reads on the amended claims 1 and 13. Therefore, the finality has been withdrawn and the prosecution is reopened.
2. Examiner called Applicant's representative Mr. Steve Mendelsohn on March 22, 2006 to amend the claim so that each of the early and late signals to have a plurality of correlators (see fig. 4 where there are plurality of correlators for each of the late and early signal and disclosed in pages 10-11). However, Mr. Steve said that he needs to consult with his client and asked me to send the office action.

Drawings

3. The replacement sheets received on labeling figures 2,3 and 7 December 5, 2006, which are the same as the once received on 10/27/2004 (were not in the file when the final office action was mailed), have been approved by the Examiner before and are attached are the approved three pages.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Stated Own Prior art (figures 2 and 3).

7. Applicant's Stated Own Prior Art (ASOPA hereinafter) teaches a rake receiver (figs 2 and 3) having a plurality of branches having a detection path (see detection path in figures 2 and 4) and timing error detecting loop 12 having an early and late for correlator for detecting and correcting the timing of the received signals as in claims 1 and 13.

What ASOPA fail to teach is the summation signal-generating unit in claims 2 and 13.

Such a summation signal generating unit in Rake receiver for summing a plurality

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copies of the received signals is widely known in spread spectrum communication system for coherently or non-coherently adding the signals using for example "maximal ratio combiner"¹ to increase the signal-to-noise ratio of the received signals and Examiner is taking an official notice. Therefore, it would have been obvious to one of an ordinary skill in the art to sum the received signals in each finger at the time the invention was made.

Further to claims 1 and 13, ASOPA also teaches that there are plurality of correlators (see two correlators for each path to correlate the early and late paths in figures 2 and 3 of the Applicant's Stated Own Prior Art).

Allowable Subject Matter

8. Claims 3-12 and 15-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

¹ See cited references to Vijay K. Garg, "IS-95 CDMA and CDMA 200," to support for "common

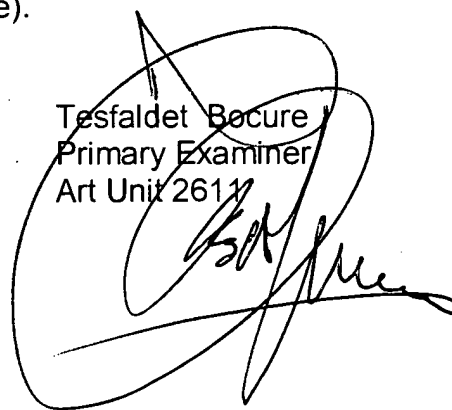
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti (Jay) Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.Bocure

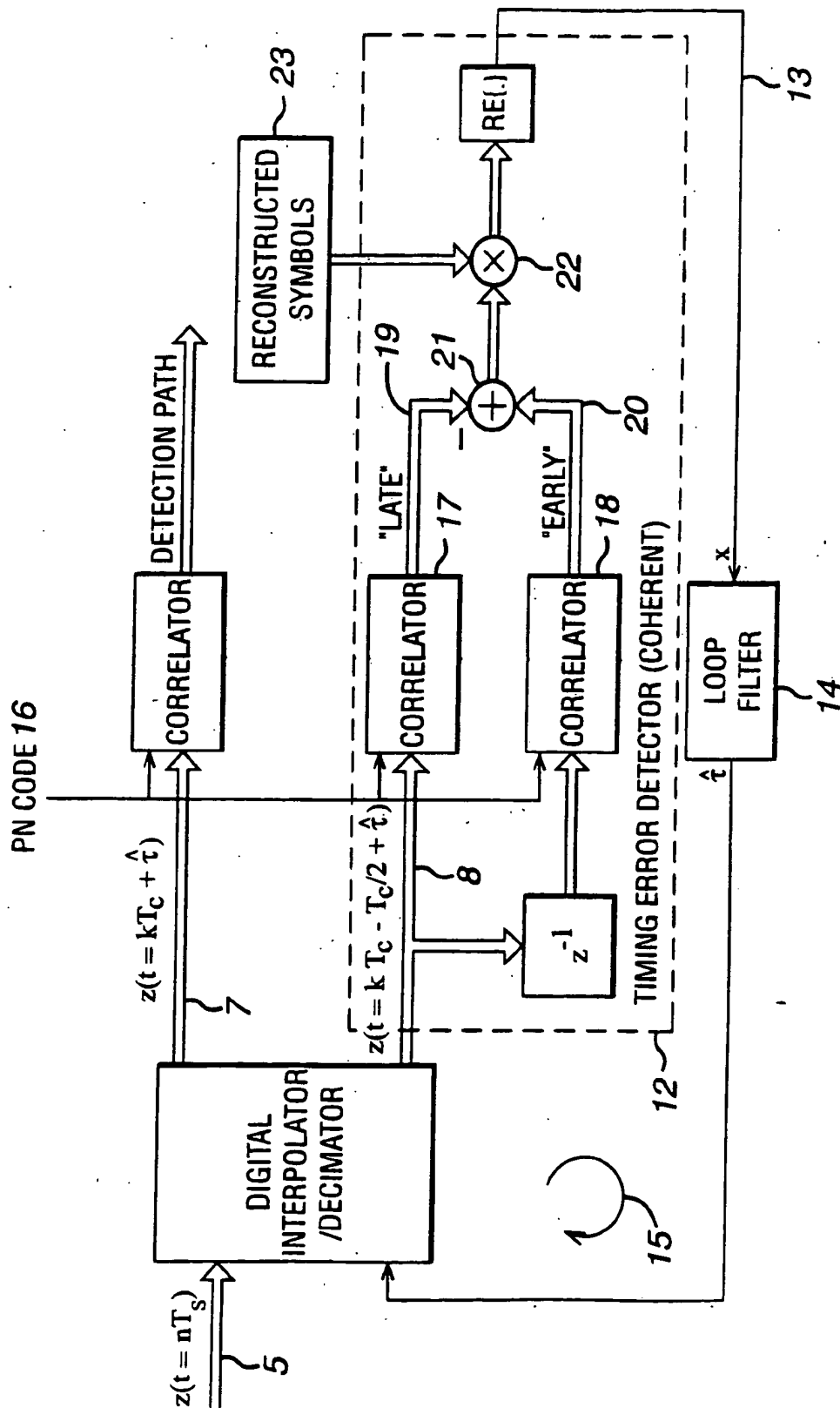
Tesfaldet Bocure
Primary Examiner
Art Unit 2611



REPLACEMENT SHEET

2/14

FIG. 2 (PRIOR ART)

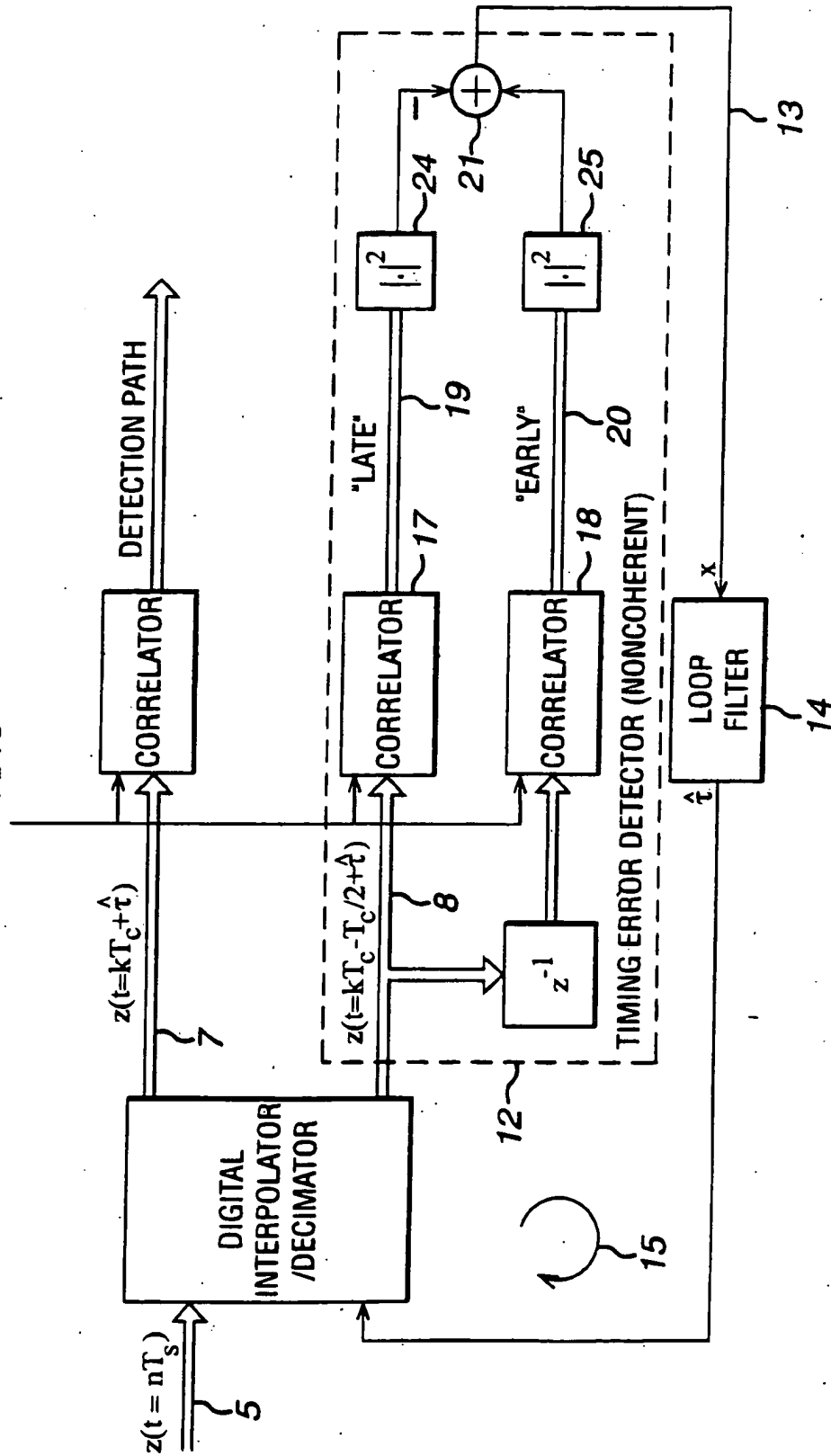


REPLACEMENT SHEET

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FIG. 3 (PRIOR ART)

PN CODE 16



REPLACEMENT SHEET

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FIG. 7 (PRIOR ART)

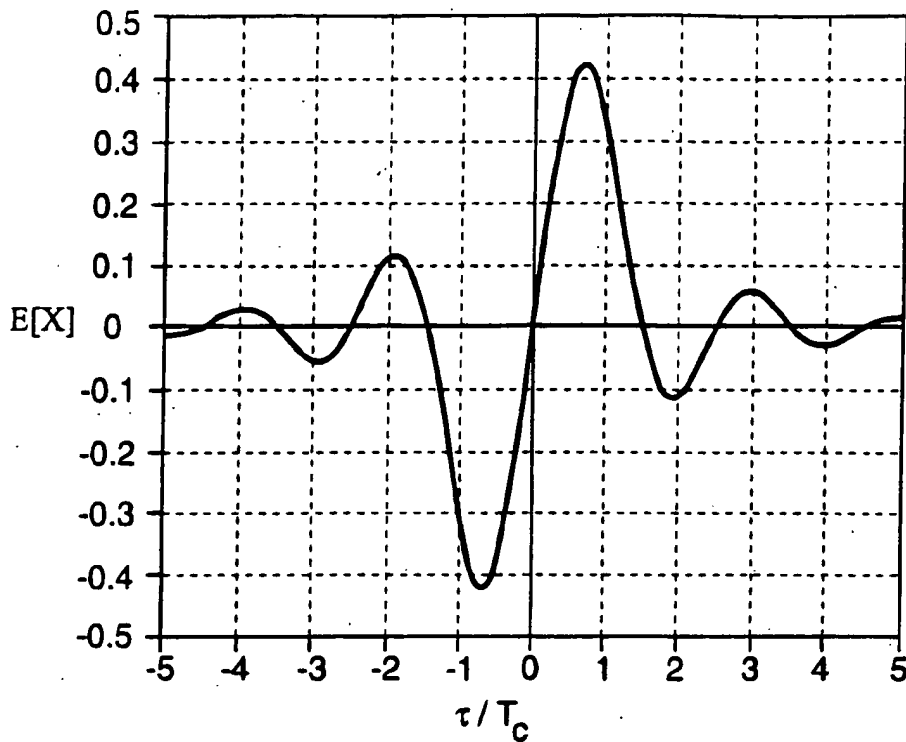
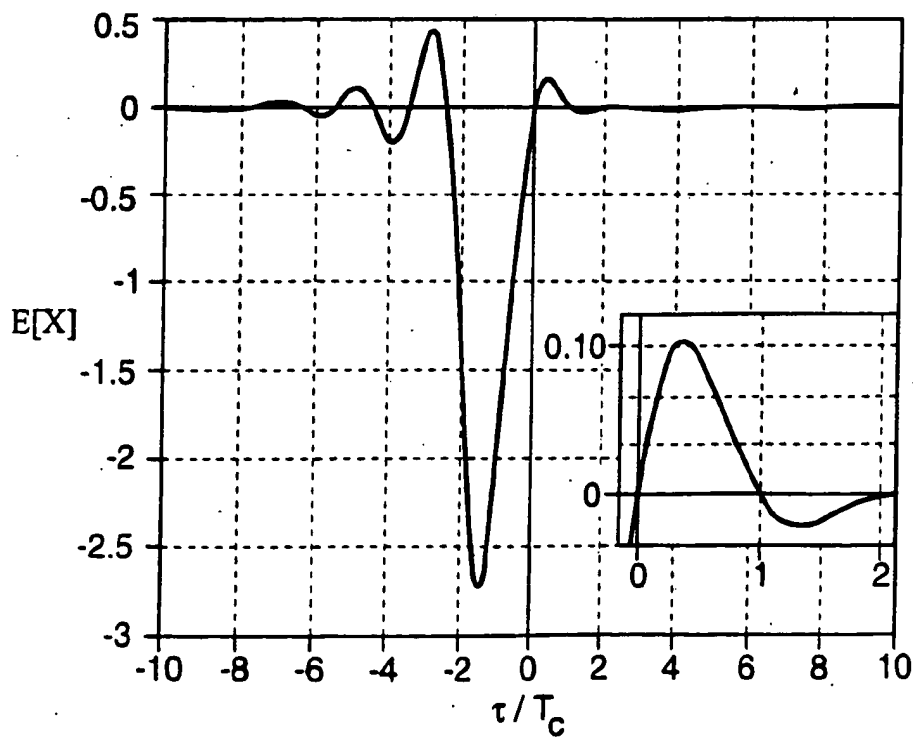
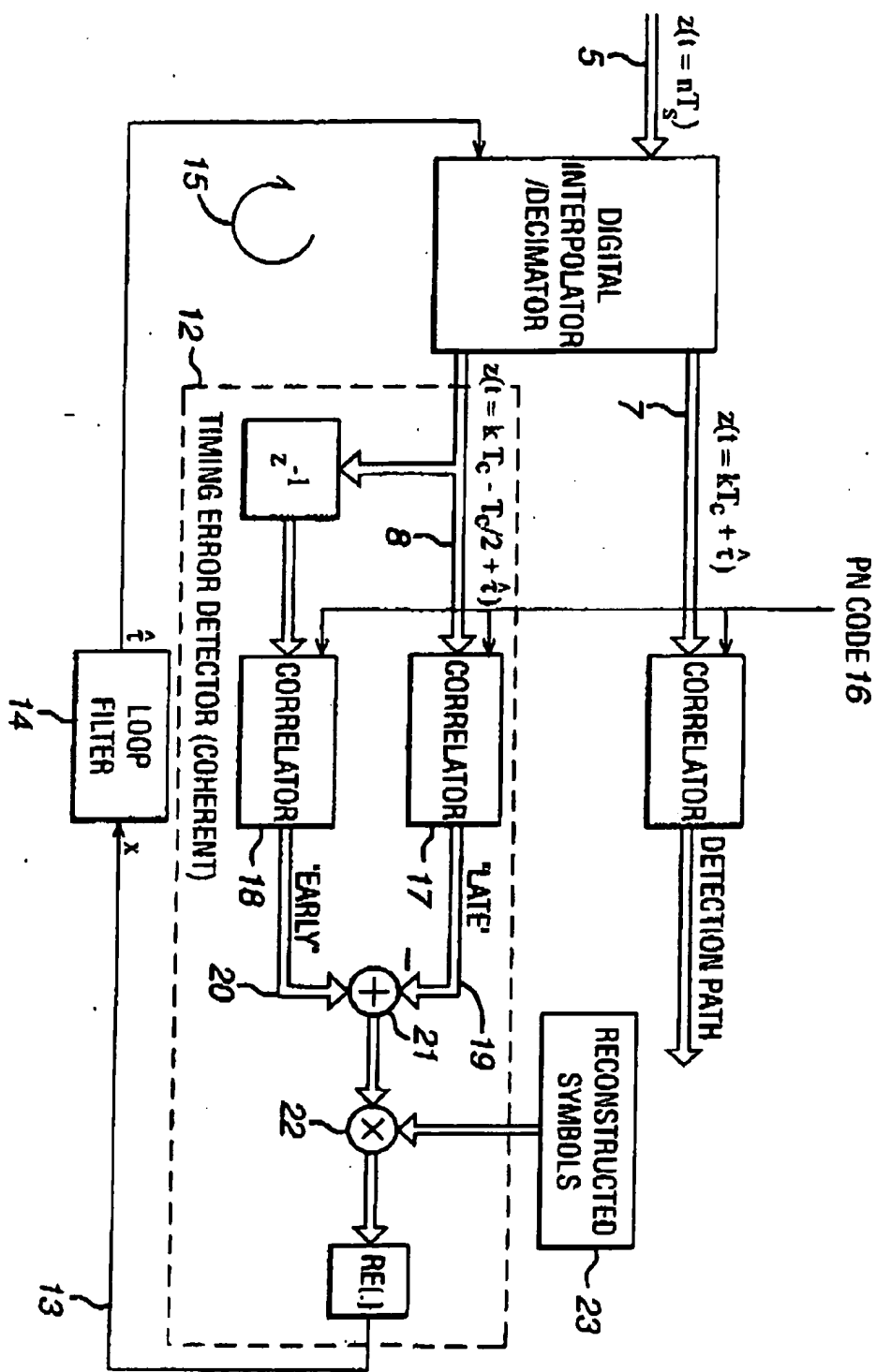


FIG. 8



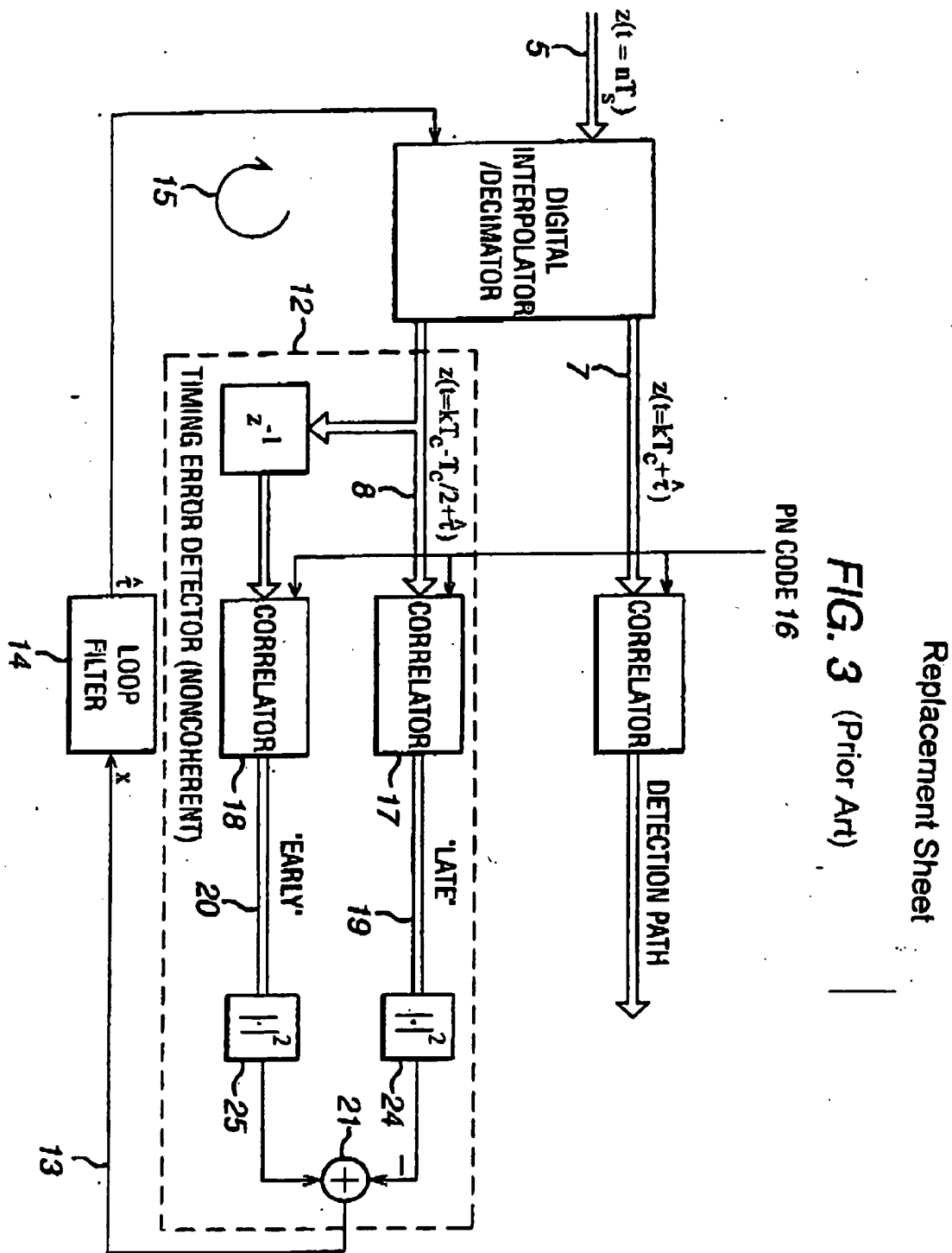
09/758,302

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B



Replacement Sheet

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3/14

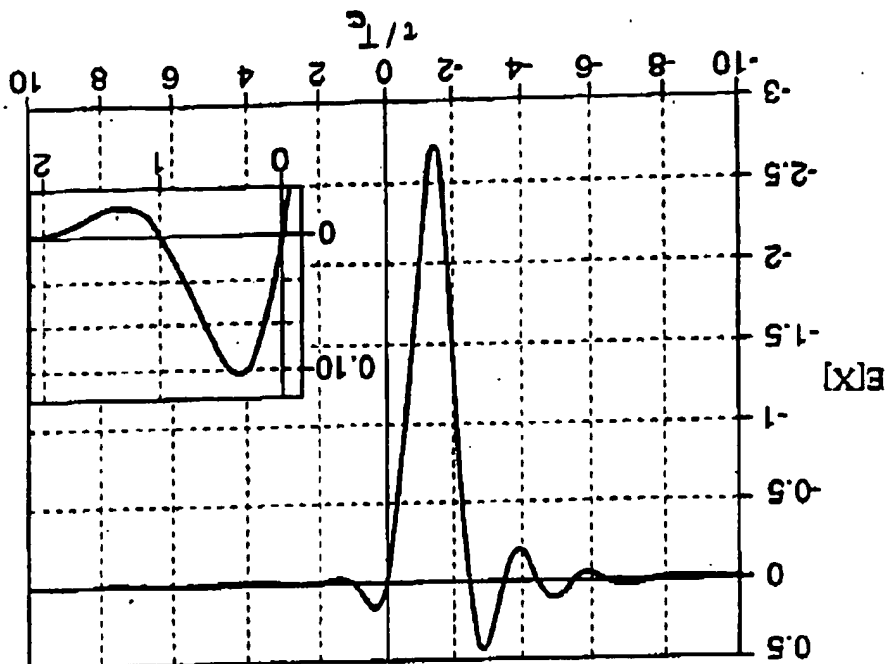


FIG. 8

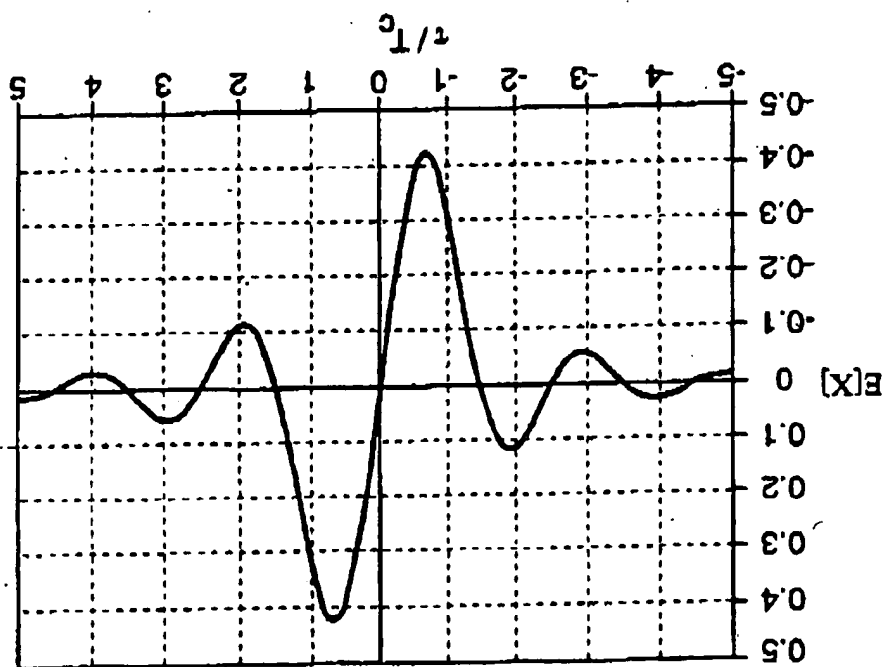


FIG. 7 (Prior Art)

7/14 Replacement Sheet